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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,432	02/06/2007	Felix Sanchez Sanchez	38548.00200US	2812

38647 7590 11/03/2009  
MILBANK, TWEED, HADLEY & MCCLOY LLP  
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WASHINGTON, DC 20006

EXAMINER
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KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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11/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,432	<b>Applicant(s)</b> SANCHEZ, FELIX SANCHEZ	
	<b>Examiner</b> Igor Kershteyn	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/05/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-4 are objected to because of the following informalities:

The claims do not conform to MPEP 608.01(m) for the following:

The claims contain more than one sentence and have capitalized words.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Alizadeh (5,755,557).

In figures 1-14, Alizadeh teaches a Round honeycomb rotor applicable to all types of aircraft, motorized elevating pumps transporting liquids, mud, granules, cereals or gases, outboard motors and all types of vessels, ventilators, hoovers or compressors, whose wherein is to have helical pieces 2,4 starting on the nucleus 1 and mounted on one or several concentric tubular cylinders 3,5 successively shaping helical trapezoids which are fitted one on top of the other giving the whole thing a round honeycomb shape, these concentric tubular cylinders totally close down the outer perimeters whenever the above mentioned helical pieces are incorporated.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Clute (3,198,423).

In figures 1-6, Clute teaches a Round honeycomb rotor applicable to all types of aircraft, motorized elevating pumps transporting liquids, mud, granules, cereals or gases, outboard motors and all types of vessels, ventilators, hoovers or compressors, whose wherein is to have helical pieces 36,40 starting on the nucleus 22,24 and mounted on one or several concentric tubular cylinders 12,38 successively shaping helical trapezoids which are fitted one on top of the other giving the whole thing a round honeycomb shape, these concentric tubular cylinders totally close down the outer perimeters whenever the above mentioned helical pieces are incorporated.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clute (3,198,423) in view of Kroger (2,929,937).

Clute teaches all the claimed subject matter except that he doesn't teach the cylinder with largest diameter that will have a conical tubular main extension fitted in.

Kroger, in figure 2, teaches a rotor having an outer cylinder 10 having a conical tubular extension 21,31 fitted in.

Since Clute and Kroger are analogous art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the outer cylinder of Clute with the conical tubular extension as taught by Kroger for the purpose of improving efficiency of the rotor.

***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of six patents.

US Patents 1,232,795; 1,263,475; 2,503,072; 5,454,695; and 6,599,085 are cited to show a rotor having helical pieces starting on the nucleus and mounted on one or several concentric tubular cylinders.

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US Patent 4,600,360 is cited to show a rotor having an outer cylinder and a conical extension.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Kershteyn whose telephone number is (571) 272-4817. The examiner can normally be reached on regular.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571)2724820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Igor Kershteyn/  
Primary Examiner, Art Unit 3745

Igor Kershteyn  
Primary Examiner  
Art Unit 3745